

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 05-10114-RCL
)
 PEDRO LOBO)

JOINT SUBMISSION OF THE PARTIES UNDER LOCAL RULE 116.5(A)

Pursuant to Local Rule 116.5(A), the parties state as follows:

(1) Timing Requirements Under L.R. 116.3

The parties do not request relief from the otherwise applicable timing requirements imposed by L.R. 116.3.

(2) Expert Discovery under Fed.R.Crim.P. 16(a)(1)(E)

The parties have requested discovery of each other concerning expert witnesses. The government will provide such discovery twenty eight days prior to trial. Defendant will provide reciprocal discovery fourteen days prior to trial.

(3) Additional Discovery

The government anticipates providing additional discovery from the Drug Enforcement Administration laboratory concerning the testing of substances seized pursuant to a search warrant executed at the arrest of the defendant. The government will

provide the reports upon receipt of them. Nevertheless, any newly discovered evidence shall be disclosed pursuant to the Local Rules.

(4) Motion Date

The parties request that the date for the defendant to file pretrial dispositive motions be set at the final status conference that is requested below.

(5) Periods of Excludable Delay

A period of twenty-eight days should be excluded from the date the defendant was arraigned, pursuant to L.R. 112.2. Additionally, the parties request that the period from the Interim Status Conference, August 17, 2005 until the Final Status Conference should be excluded under the Speedy Trial Act, to allow the parties sufficient time to explore disposition of this case short of trial and to complete discovery. Exclusion of such time is in the interests of justice.

(6) Whether Trial is Anticipated; Length of Trial

A trial in this matter is unlikely. However, a trial should last approximately one week.

(7) Date for Future Status Conferences

The parties request that the court set the Final Status Conference in late September, 2005.

Respectfully submitted,

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s/ James Murphy
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for defendant PEDRO LOBO

By:

S/ Glenn A. MacKinlay
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